

PHMSA Oil Spill Response Plan Final Rule (HM-251B)

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HM-251B

Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (FAST Act)

- Mandated by the FAST Act
- Finalizes Notice of Proposed Rulemaking (NPRM) from 7/29/2016
- Published Thursday, February 28, 2019
- Effective Date: April 1, 2019
- Delayed Compliance Date: August 27, 2019



Final Rule Components

- Expand comprehensive oil spill response plans (COSRP) to an entire train consist
- Require railroads to share information about high-hazard flammable train operations with state and tribal emergency response
- Incorporate by reference an boiling point test RP 3000, "Classifying and Loading of Crude Oil into Rail Tank Cars"



Oil Spill Response Plans

- High Hazard Flammable Trains (HHFTs) carrying petroleum oil in 20 car blocks, or 35 cars across the entire consist must have comprehensive oil spill response plan
 - “Petroleum oil” means anything with 10% or more oil (i.e., ethanol or E95 not included)
 - Use [OPA-90 list](#)
- Plans must be submitted to PHMSA by Aug. 27, 2019 for review and approval.
 - Approval expected to take approx. 30 days



Oil Spill Response Plans

- Plans require that the rail operator have the means to deliver necessary resources to respond to the “worst-case” discharge within 12 hours.
 - Response should be IMMEDIATE
 - 12 hours refers to highway travel time assuming 35 mph, not “as the crow flies”
- Plans should incorporate Area Contingency Plans (ACPs) or Regional Contingency Plans (RCPs) to address specific sensitive areas (e.g., waterways) that already exist



Notification Requirements

- Must notify SERCs and TERCs of:
 - Reasonable estimate of the number of HHFTs that the railroad expects to operate each week, through each county within the State or through each tribal jurisdiction
 - Routes that HHFTs will operate on
 - Description/Emergency Response Information of the hazardous materials being transported
 - HHFT point of contact within the railroad
 - Description of the response zone



Notification Requirements

- The Association of American Railroads (AAR) and American Short Line and Regional Railroads Association (ASLRRA) have petitioned PHMSA to address the lack of a TERCs list despite having the requirement in the rule
- PHMSA response is PENDING, however railroads are required to have a tribal point of contact for each jurisdiction they operate in



QUESTIONS?



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